

REMARKS

Claims 1, 4-9, 21-23, and 29-35 were pending in the application, with claims 21-23 having been withdrawn from consideration. By this paper, no claims have been amended or canceled, claims 1, 4-9, and 29-35 remain pending, and claims 21-23 remain withdrawn but not otherwise canceled. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the following remarks.

Claim Rejections - 35 U.S.C. §102

Claims 1, 4-9, and 21-35 have been rejected under 35 U.S.C. §102(b) as anticipated by Gorgi, U.S. Patent No. 6,155,643 (Gorgi). Reconsideration and withdrawal of the anticipation rejection based on Gorgi are respectfully requested based on the following remarks. Essentially, Gorgi fails to teach or suggest all of the limitations of the rejected claims as previously presented.

Independent claim 1 recites in part a child seat with a back rest that has a “back support surface.” The back rest is also recited as having a top portion that is movably connected to and that is vertically adjustable relative to a bottom portion. Claim 1 further recites that *each of the top and bottom portions defines part of the back support surface of the back rest*. In view of the specific language of claim 1, the back rest has a back support surface defined by two portions, a top portion and a bottom portion, that are adjustable relative to one another. The language of the claim requires that the back support surface be defined on two separate parts of the back rest that are adjustable relative to one another.

Independent claim 34 also recites a child seat with an adjustable back rest. The back rest in claim 34 is recited as having a back support surface as well as a top portion movably connected to a bottom portion in order to permit selective adjustment of the top portion of vertically upward or downward relative to the bottom portion. Claim 34 also specifically recites that *each of the top and bottom portions defines part of the back support surface of the back rest*. As a result of the specific language of claim 34, this claim also requires that its back support surface be defined by two separately movable back rest parts that are adjustable relative to one another.

The Gorgi reference discloses a conventional office chair configuration, similar to previously cited references. The office action alleges, at page 2, that Gorgi discloses the use of a seat that has “a back rest (8) having a back support surface and a top portion movably connected to and vertically adjustable relative to a bottom portion, each of the top and bottom portions defining part of the back support surface.” The examiner has merely quoted the language of claim 1 without pointing to any specific disclosure in Gorgi for support. Even a cursory review of Gorgi makes it apparent that the back rest (8) is no different than any other office chair. The Gorgi chair has a single structure that defines the entirety of the back rest (8) and thus the back support surface of the chair. The back rest is only shown in side view in Fig. 9 and is only illustrated as moving up and down in its entirety relative to the support slide (7). There is no disclosure anywhere within the Gorgi reference that shows a back rest with two separate portions adjustable relative to one another *that also each define a part of the back support surface on the back rest*. The entirety of the disclosure in Gorgi is directed to the two sliding tubes that are used to adjust the back rest up and down relative to the seat bottom (6). Neither of the two sliding tubes forms any part of a back support *surface*.

Without depicting the back rest (8), Gorgi discloses two specific embodiments. In each embodiment, the entire back rest 8 is movable upward or downward relative to the seat bottom. No part of the back rest (8) is adjustable relative to any other part of the back rest wherein each of those parts defines part of a back support surface on the back rest. In the first embodiment of Figs. 1-9, the entire back rest is said to be fixed by means of a pin (13) to one of the sliding tubes 17 (see column 2, lines 49-52). In the second embodiment, the entire back rest (8) is said to be fixed or rigid with a plate (30) that can slide up or down relative to a guide (see Fig. 10 and column 3, lines 58-64).

Gorgi simply fails to teach or suggest all of the limitations of independent claims 1 and 34. As a result, claims 1 and 34, and their respective dependent claims 4-9, 29-33, and 35 are neither anticipated nor rendered obvious by the teachings of Gorgi. The anticipation rejections should be withdrawn in view of the foregoing remarks.

CONCLUSION

Claims 1, 4-9, and 29-35 are believed to be in condition for allowance as previously presented. Claims 21-23 are believed to read on the originally elected invention. Reinstatement of claims 21-23 is respectfully solicited based on the allowability of base claim 1 and based on the claims being improperly withdrawn as reading on the elected invention. Allowance of all of claims 1, 4-9, 21-23, and 29-35 is respectfully requested.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

A request for a one-month extension of time and the appropriate fee accompany this paper. The Commissioner is hereby authorized to charge any additional fees, or to credit any overpayment, to deposit account no. 50-3866 of the undersigned's firm.

Respectfully submitted,



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